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*Admitted only in Maryland
*Admitted only in Virginia
*Admitted only in Texas
*Practice limited to
Federal Agencies

October 28, 2002

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VIA HAND CARRY TO ART UNIT 1655

Commissioner for Patents
Washington, D.C. 20231

Attn: Examiner Johannsen
Sequence Information

Re: U.S. Utility Patent Application
Appl. No. 09/517,466; Filed: March 2, 2000
For: **Compositions and Methods for Use in Recombinational
Cloning of Nucleic Acids**
Inventors: Hartley *et al.*
Our Ref: 0942.4680003/RWE/BJD

Sir:

In reply to the Notice of Non-responsive Amendment dated September 26, 2002,
Applicant submits the following documents for appropriate action by the U.S. Patent and
Trademark Office:

1. Copy of the Notice to Comply with Sequence Rules;
2. Sixth Preliminary Amendment;
3. Computer readable copy of Sequence Listing;
4. Paper copy of the Sequence Listing (337 pages); and
5. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of
these documents, and that it be returned to our courier.

Commissioner for Patents
October 28, 2002
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In accordance with 37 C.F.R. § 1.825(b), the paper copy and the computer readable copy of the Substitute Sequence Listing submitted herewith are the same. In accordance with 37 C.F.R. § 1.825(a), the submission of this substitute sequence listing includes no new matter.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Brian J. Del Buono", with a stylized, overlapping flourish at the end.

Brian J. Del Buono
Attorney for Applicants
Registration No. 42,473

BJD/nef
Enclosures

::ODMA\MHODMA\SKGF_DC1;69201;1

SKGF Rev. 2/15/02 dcw

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:_____.

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HARTLEY *et al.*

Appl. No. 09/517,466

Filed: March 2, 2000

For: **Compositions and Methods for
Use in Recombinational Cloning
of Nucleic Acids**

Confirmation No.: 4289

Art Unit: 1655

Examiner: Johannsen, D.

Atty. Docket: 0942.4680003/RWE/BJD

Sixth Preliminary Amendment

Commissioner for Patents
Washington, D.C. 20231

*Via Hand Carry to
Examiner Diana B. Johannsen
Art Unit 1655*

Sir:

Further to Applicants' Preliminary Amendments filed in this application on November 16, 2000, August 22, 2001, November 5, 2001, February 19, 2002, and March 22, 2002, in reply to the Notice of Non-responsive Amendment and the sequence error report dated September 26, 2002 (Paper No. 22), and in advance of prosecution of the above-identified application, Applicants submit the following amendments and remarks. These amendments and remarks are provided in the following format:

(A) A clean version of each replacement paragraph/section/claim along with clear instructions for entry;

(B) Starting on a separate page, appropriate remarks. *See* 37 C.F.R. § 1.121 and MPEP § 714; and

(C) Starting on a separate page, a marked-up version entitled: "Version with markings to show changes made."